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—OR—

THE MONROE DOCTRINE ON TRIAL,

—BY—

WILLIAM L. SCRUGGS;

Late Envoy Extraordinary and Minister Plenipotentiary of the United States to Colombia and to Venezuela.

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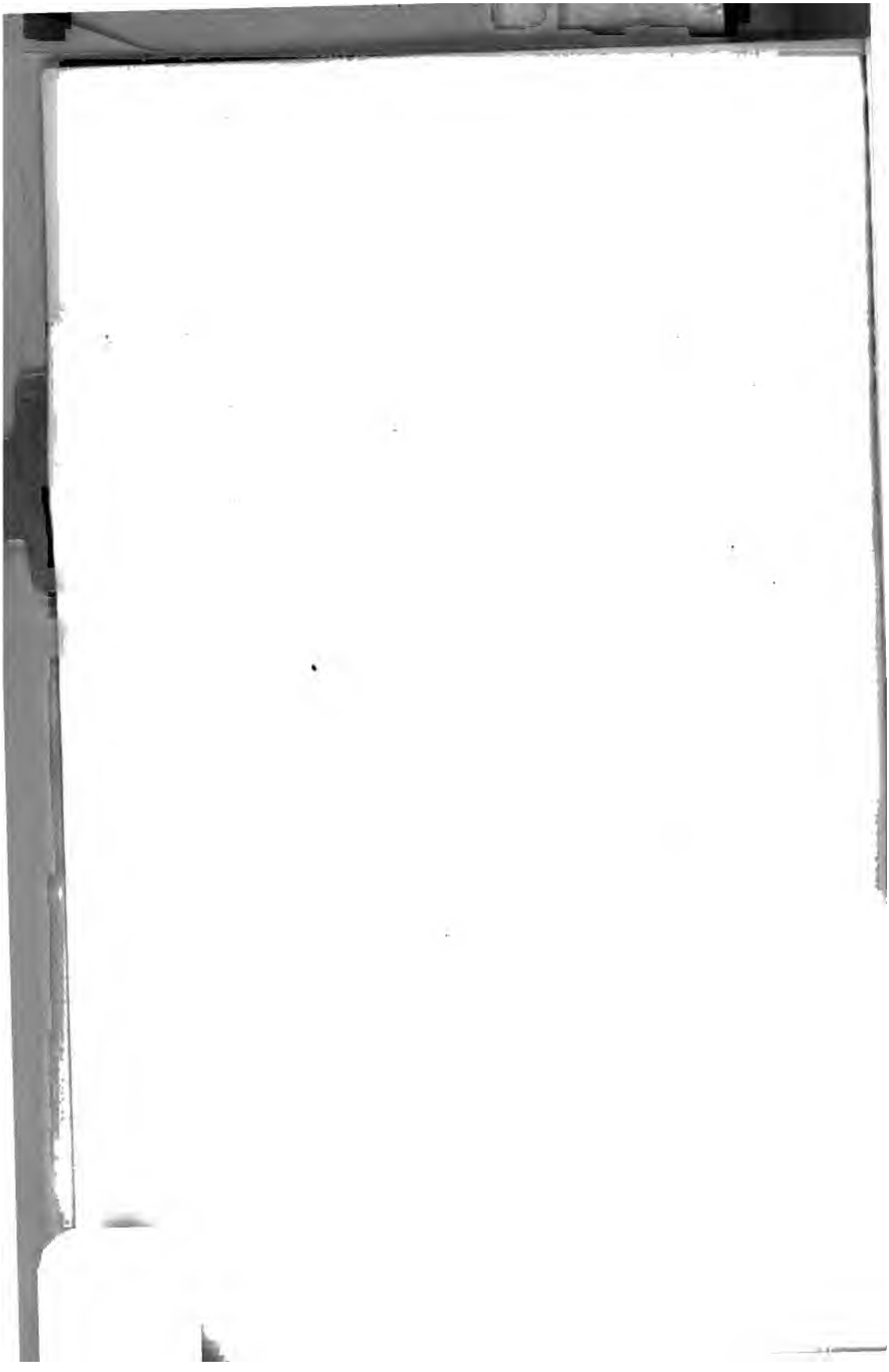

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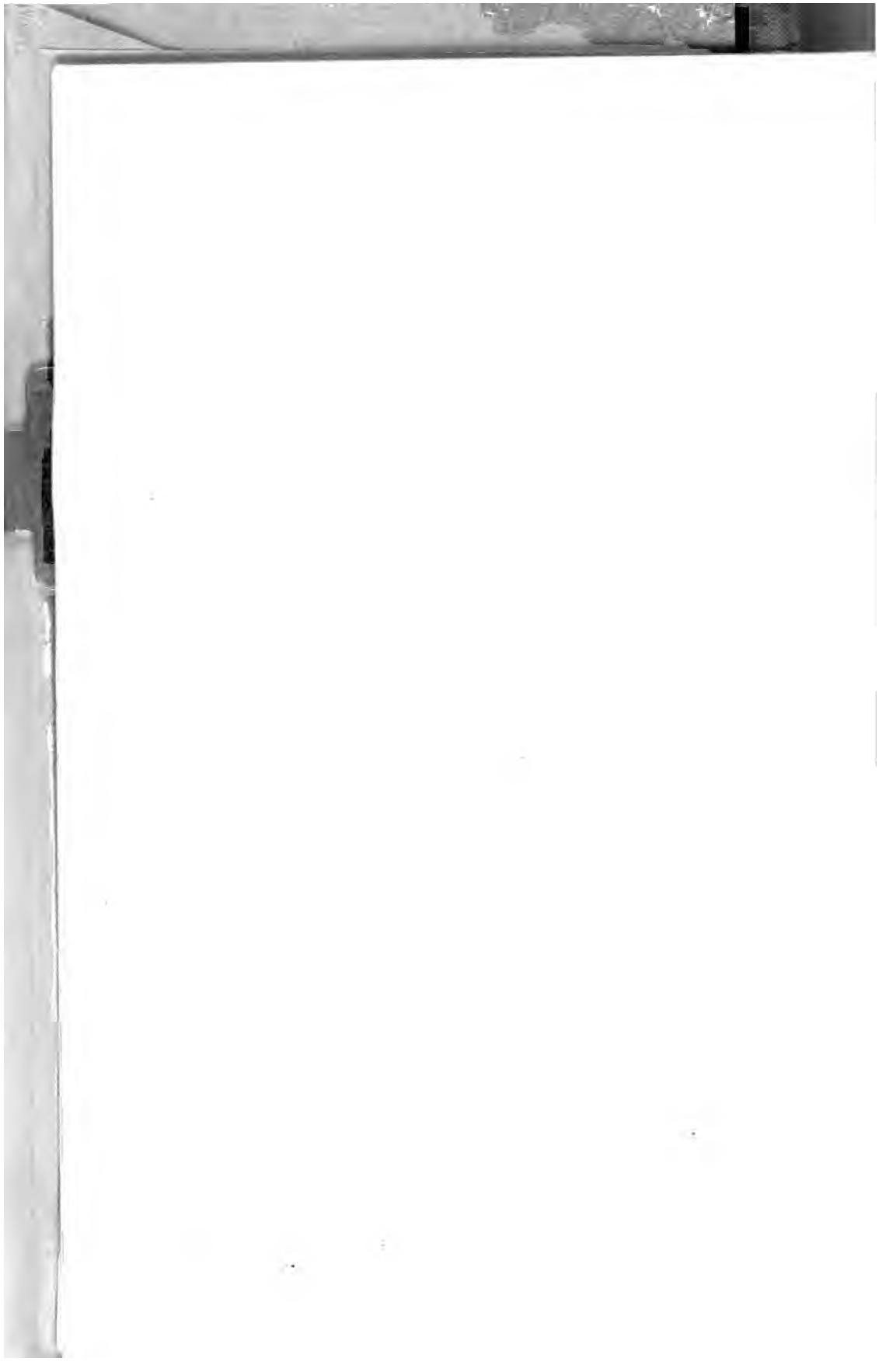

BRITISH AGGRESSIONS IN VENEZUELA.

I.

On the northeastern shores of the South American continent, extending westward and southward from the Atlantic ocean and the gulf of Paria to the Orinoco river and the watersheds of the Amazon, is a vast expanse of rich and beautiful, though as yet but sparsely populated country, known as the Guayanas.[1] Such is its peculiar topographical conformation that, although within the lines of the tropics, it has great diversity of climate, and is capable of almost every variety of agricultural product common to the temperate zone. Its natural wealth of soil, mine, and forest is almost incalculable; while its favored geographical position, fine harbors, and network of navigable rivers place it in the very front rank of future commercial possibilities.

A portion of this vast domain belongs to England, as the successor in title of Holland; but a very much larger and more desirable portion of it belongs to the Republic of Venezuela as the successor in title of Spain.[2] The precise boundary between the two ancient possessions, although clearly inferable from historical facts, was never definitely fixed by treaty; and now, after the lapse of many decades, Venezuela and Great Britain are parties to a boundary dispute which has interrupted their friendly intercourse. Not only have their diplomatic relations been suspended since 1887, but the persistent aggressions of the stronger power upon the territory and jurisdiction of the weaker, have reached a point which

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[1] So designated on all the old maps of the country. It was the name given to the whole immense area bounded south by the Amazon, west by the Orinoco, and north and east by the Atlantic ocean. It was called by Sir Walter Raleigh "that mighty, rich, and beautiful Empire of Guinea"; by the less enthusiastic Dutch navigators "the Wild Coast"; and by the Spaniards "El Dorado." The fable of *El Dorado*, however, seems to have had its origin on the coast of what is now the Republic of Colombia; to have passed thence to the interior altaplanes of Bogotá, Tunja, and Pamplona; and thence to the interior of Guayana. A vague rumor prevailed throughout all these regions that the sovereign prince of some remote interior country, abounding in rich gold mines, appeared on great state occasions with his body sprinkled over with glittering gold dust; and the term *El Dorado* ("The Golden") was subsequently applied to a supposed country of fabulous wealth.

[2] All the early chroniclers and historians of the New World, from Herrera to Padre Pedro Murillo Velarde, attribute to Spain, as the original discoverer, proprietorship of the whole of the Guayanas.

directly threatens the dismemberment of one of the Spanish American republics, and indirectly menaces the sovereignty and territorial integrity of at least two others.

Such a controversy, involving as it does principles so vital to autonomous government on this continent, can hardly fail to deeply interest the American people. Moreover, since the contention has assumed a phase in open conflict with American public law, and with an international status in South America for the maintenance of which the United States stand solemnly pledged, it has ceased to be a matter of mere local concern, and has already become a grave international question. It is worth while then, in order to a clear conception of its merits and possible consequences, to briefly examine some of the more salient points in its origin and history. In undertaking this task, I am not conscious of any motives other than such as ought to actuate an impartial friend of both parties; but it would be quite impossible to preserve this attitude without permitting the facts in case their full force of simple statement.

Venezuela, as a colony of Spain, declared her independence in 1810; and nine years later she united with two other Spanish colonies (New Granada and Ecuador) in the formation of the old Colombian federal Union. That Union was formally recognized as an independent nation by the United States in 1822, and afterwards by all the powers of the world. Subsequently, in 1831, when it was dissolved, Venezuela became a separate and independent republic, and was, in due course, recognized in that capacity by the United States and by all the other powers, including Spain. In the treaty of recognition by Spain, in 1845, the thirteen provinces (Guayana being one of them), constituting the old colonial Captaincy-General of Venezuela in 1810, were each, specifically and by name, ceded to the new republic.[1] But neither in this treaty of recognition, nor in the fundamental law of either the old or the new republic, is there any mention of exact boundary lines. It is merely stated, in general terms, that the boundaries are "the same as those which marked the ancient Viceroyalty and Captaincy-General of New Granada and Venezuela in the year 1810."

And there is equal indefiniteness as to boundary in the cession of part of Dutch Guayana to England, by the United Netherlands, in 1814. By the treaty of that date, England agreed to restore to

[1] Venezuela's title, however, was perfect before this act of specific cessions. (See *infra*, pp. 7, 10, 11.)

Holland "all the colonies, factories, and establishments" that were "in the actual possession" of the latter "in 1803," with the exception of the Cape of Good Hope and "the establishments of Demarara, Essequibo, and Berbice." These were to be disposed of by supplemental agreement "conformable to the mutual convenience and interests of both parties."[1] And by the terms of that supplemental agreement, the States-General ceded to England "the Cape of Good Hope and the establishments of Demarara, Essequibo, and Berbice" on the condition that the Dutch should retain the right freely to navigate and trade between those places and the territories of the Netherlands in Europe.[2] But there is no mention of boundaries of these three settlements which constitute the present British Guinea.

Fortunately, however, the extent of those settlements is not a matter of mere conjecture; for their boundaries are very clearly indicated, as we shall see further on, by an unbroken chain of historical and documentary evidence extending back over a period of more than two centuries.

II.

It is a principle now universally accepted that "when a European colony in America becomes indpendent, it succeeds to the territorial limits of the colony as it stood in the hands of the parent country." The United States have always successfully maintained this principle. They have always maintained, as other nations have maintained, that discovery gave an exclusive right to extinguish, whether by purchase or by conquest, the Indian title of occupancy. And they have as consistently and successfully maintained that their title to Indian territory was not contingent upon any act of specific *cession* by the parent country; but that the treaty of 1783 was merely a recognition of pre-existing right of domain, and that "the soil and sovereignty within the acknowledged limits of the thirteen colonies were as much theirs at the time of the Declaration of Independence as at any subsequent period."[3]

Now that the whole of the Guayanese territory north of the Portuguese possessions originally belonged to Spain, in virtue of her right as the first discoverer, hardly admits of doubt. A Spanish

[1] Art. I. Tr. of London, Aug. 13, 1814.

[2] See art. I., Supplemental Treaty, Aug. 13, 1814.

[3] Wharton's Digest Int. Law, vol. I., section 6; Wheaton's Elements Int. Law, Ed. 1863, sec. 6, and notes; Wheat. Reps. XII., p. 527.

subject, Don Alonzo de Ojeda, sailing under royal commission, was the first discoverer in 1499.[1] In 1500, Don Vicente Yañez Pinzon, another Spanish subject, was the first to explore the delta of the Orinoco.[2] In 1531, Don Deigo de Ordaz, another Spanish subject, was the first to explore the Orinoco river, which he ascended as far as the mouth of the Meta. Subsequently the coast between the mouth of the Orinoco and Essequibo rivers, and the Orinoco valley as far up as the site of the present city of Bolivar, were partially colonized by Spanish subjects, who likewise established Christian missions among the aboriginal tribes in the remote interior.[3] These are familiar facts of history. And it is a principle, sanctioned by usage and consistently maintained by both England and the United States, that "continuity furnishes a just foundation for a claim of territory in connection with those of discovery and occupation." That is to say, the discovering nation is not limited in its claim to the particular spot discovered or occupied. Thus, in the case of an island, the discovery or occupancy of a part includes the whole; in the case of a river, the discovery or occupancy of its channels and banks extends to the entire region drained by it. But if this principle be admitted, as it must, then it clearly establishes Spain's original, rightful claim, not only to all the Guayanas drained by the Orinoco and its tributaries, but to the whole of what is now British Guinea.

But some years after this discovery and exploration of the Guayanas by Spain, the Dutch obtained a foothold on the Atlantic coast east of the Essequibo river, and established trading posts on the Surenam and Demarara rivers.[4] It is true, that at that time, the independence of the Netherlands, though recognized by other pow-

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[1]Ojeda skirted the entire coast of the Guayanas, landing at several places. (Dalton's Hist. Guiana, vol. I., p. 91; Robertson's America II., p. 154.)

Columbus discovered, but did not explore the Orinoco. Encountering much difficulty in entering the mouth of the great river, he sailed westward and landed on the continent at several places. (Robertson's America, II., Dalton's Hist. Brit Guiana, Ed. 1855).

[3]See Gumilla's Atlas of 1740; Bretano's map of the Orinoco Valley of 1751; the treaty between Spain and Portugal of 1750, by which Spanish Guayana is described as extending from the Marañon (or Amazon) river to the margins of the Orinoco, and thence eastward and northward to the Atlantic ocean.

[4]Reynal, "Hist. Indies," 1820. The Dutch never had any permanent settlements west of the Essequibo. They made frequent attempts to occupy the country between the Essequibo and the Pumaron, but were always dislodged and driven out by the Spaniards. (See Dalton's Hist. British Guinea, p. 182, *et sequens.*

ers, had not been acknowledged by Spain; and Holland, as a dependency of Spain, could not acquire this territory in her own right. But by the treaty of peace and recognition of 1648, usually referred to as the "treaty of Munster,"[1] each of the parties (Spain and Holland) were to remain in possession of the countries *then* in actual possession of each in America and in the West Indies. This gave to the Dutch legal title to their *de facto* possessions in Guayana; but it likewise prohibited, by necessary implication, any *extension* of their settlements.

Again, by the treaty of Utrecht, of 1713, England agreed to "aid the Spaniards to recover their ancient dominions in America," the limits of which were stated to be the "same as those in the time of Charles the Second";[2] and it is a fact of history, quite easy of verification, that, "in the time of Charles the Second" (1661–1700) Spain claimed and held possession of all the Guayanese territory west and south of the Essequibo river.[3]

Again, by the treaty of Aranjuez, of 1791, between Spain and Holland, each of the high contracting parties obligated itself to the other to return any fugitive negro slaves of the one that might be "found within the territories and settlements of the other"; and the limits of their respective "territories and settlements" are very clearly indicated by the clause which provided for an exchange of fugitives "between Puerto Rico and San Eustaquio, Coro and Curacao, the Spanish settlements on the Essequibo and the Dutch settlements of Demarara and Berbice."[4] Thus, according to the maps of the country in use at the time, Spanish Puerto Rico was oppo-

[1]Otherwise called the Peace of Westphalia, signed at Munster, Oct. 24, 1648 whereby the independence of the United Dutch Provinces was recognized by Spain. (See art. V. of the Treaty.)

[2]Art. VIII., Treaty of Utrecht, July 13, 1713.

[3]Depon's, Voyages, etc., vol. III., p. 333; Noire, the English geographer, Works, published in 1828; Baron Humboldt, Voy. Equinoctial Regions, vol. IV., p. 218. Noire, the English authority above cited, says: "British Guiana extends from the Corentin to the Essequibo. This is the rightful extent of the colony, as determined by the Treaty of Munster of 1648, which has never been abrogated." The attempt by the Dutch to extend their settlements westward to the Pumaron was, he says, "in violation of treaty stipulations." . . . "In reality," he continues, "the entire coast country from the Orinoco to the Essequibo constitutes what should be called Spanish or Colombian (now Venezuelan) Guayana."

[4]Treaty of Aranjuez, June 23, 1791, art. I. This treaty antedates the first Dutch encroachments west and south of the Essequibo. (See Sir Henry Bolingbroke's "Voyage to Demarara," published in London in 1813.)

site Dutch San Eustaquio, Spanish Coro over against Dutch Curacao, while the Spanish settlements and trading-posts on the west side of the Essequibo were directly opposite those of the Dutch on the other side of the river. The inference is therefore an almost necessary one that the center of the channel of the Essequibo was the recognized boundary line between Spanish and Dutch Guayana.

It is true that, subsequent to the date of this treaty, the Dutch did make encroachments upon the territory west of the Essequibo; but all the chroniclers of the times agree that the intruders were promptly driven back to their own side of the river by the Spaniards. And even if they had not been, there was not sufficient time in the twenty-three years from 1791 (the date of the treaty of Aranjuez) to 1814 (when the Dutch ceded the country to England) to give color of title by prescription. Title by prescription, to be valid, must be from time immemorial; and the occupancy must have been undisputed and peaceable—conditions which were totally wanting in the present case.

Not only is the Essequibo clearly indicated as the dividing line by the treaty of 1791, but no less clearly so by historical events which preceded and led up to it. Thus, in 1780, the Spanish government directed the Governor-General of Venezuela to establish rules and regulations for peopling and governing the province of Guayana between the Essequibo and Orinoco rivers. This royal decree recited the fact that, although the Dutch had "extended themselves westward to the Essequibo," there were "no Dutch settlements on the river remote from the seacoast"; that westward from the Essequibo and southward from the Atlantic was "a vast and fertile region occupied by Indian tribes,[1] and by fugitive negro slaves from the Dutch settlements"; that this valuable domain belonged to Spain by right of original discovery; and that as it had "never been ceded to or occupied by any European power," it ought to be colonized and governed in the name of the Spanish monarch.

Furthermore, in accordance with the purposes of this decree, Don José Felipe de Inciarte was commissioned to investigate and report upon the condition and extent of the Dutch encroachments in Guayana. In due time he reported that the Dutch had "an insignificant trading-post," apparently of a temporary character, on the coast between the Essequibo and Moroco rivers. He recommended

[1]There were as many as fourteen distinct tribes between the Essequibo and Orinoco rivers and between the Atlantic coast and the Brazilian border. (See Brett's "Indian Tribes of Guiana," published in London in 1868.)

their immediate expulsion and the establishment of Spanish forts in the vicinity. In a subsequent dispatch, dated December 5, 1783, he reported that the Dutch had "already abandoned their posts near the mouth of the Moroco." It does not appear whether these abandoned posts were destroyed or occupied by the Spaniards. Nor is that essential to the merits of the case. The formal remonstrance by Spain, and the subsequent withdrawal of the Dutch, destroyed all color of title by prescription.[1]

It is quite manifest, then, that Great Britain could not have derived title to her present holdings west of the Essequibo from the Dutch by the treaty of 1814. Nor can she justify her bold and persistent aggressions westward to the margin of the Orinoco on the plea that any portion of the country was ever in the peaceable possession of the Dutch.

III.

Still more untenable is England's claim to this territory on the ground of her alleged treaties with some native Indian tribes. Such a pretension may be said, without discourtesy, to be simply absurd. On the discovery of the American continent, the principle adopted by European nations, in order to avoid conflicting settlements and consequent wars, was that discovery gave title to the government by whose subjects or by whose authority it was made. The title thus acquired was good as against all other European governments, and might be consummated at any time by actual possession. It gave to the nation making the discovery the sole right of acquiring the soil from the natives, and of establishing settlements thereon. This was a right which all European nations asserted for themselves, and to the assertion of which all assented. Whatever may have been the rights of the native Indian occupants, the discovering nation claimed and exercised ultimate dominion over the soil while it was in their possession; and it claimed and exercised the right to grant and convey the lands, subject only to Indian occupancy, and such grants have been uniformly held to be valid. It is no argument to say that the opinion of mankind has changed on this point with the progress of civilization; for if the truth of the assertion be granted, it would not affect vested rights previously

[1] As a matter of fact, however, the Dutch never had any fixed settlements west of the Essequibo. They made predatory raids as far as the Moroco, and even beyond, but were in each case driven away by the Spaniards. (See "Hist. Nueve Andalucia," by Caulin.)

acquired by the general consent of the civilized world. The right of nations to countries discovered in the sixteenth century is determined, not by the improved and more enlightened opinion of the world three and a half centuries later, but by the law of nations as it was *then* understood and universally recognized. This is a principle so fundamental, and so firmly established by usage, that it is no longer a matter for discussion.

Nor did the successful revolt of 1810 affect the title which Venezuela, by that act, derived from Spain. It is a principle of universal application that when a colony is in revolt, and before its independence has been acknowledged by the parent country, the colonial territory belongs, in the sense of revolutionary right, to the former, and in the sense of legitimate right, to the latter. "It would be monstrous," wrote Mr. Secretary Marcy in 1856, "to contend that, in such a contingency, the colonial territory is to be treated as derelict, and subject to voluntary acquisition by a third nation. The idea would be abhorrent to all the notions of right which constitute the international code of Europe and America."[1] And yet, astonishing as it may seem, the assumption that, pending a war of colonial revolution, all territorial rights of both parties to the contest become extinguished, and the colonial territory open to seizure by anybody, is sometimes made the only foundation for England's pretension of right to territory in South America!

Equally absurd is the contention that "Venezuela forfeited any color of title she may have had" to that territory "by her failure to occupy it"; for this would be about equivalent to saying that a nation forfeits legal title to her unoccupied territory whenever she is physically unable to prevent its forcible seizure by a stronger power. Such a proposition is contrary to the most elementary principles of public law. "Everything included in the country pertains to the nation," says Vattel, "hence nobody but the nation, or its legal representative, is authorized to dispose of such things." And then, as if prescient of this very question in Guayana, the same eminent author continues: "If there be kept uncultivated and desert places, nobody has a right to take possession of them without the consent of the nation. Although the nation makes no actual use of its desert places, they nevertheless belong to it. It

[1] Mr. Marcy, Secretary of State, Instructions to Mr. Dallas, U. S. Minister in England, July 26, 1856. See also Wharton's Dig., vol. I., sec. 7.

has interests in preserving them for future use, and is not responsible to any person for the manner in which it makes use of its property."[1]

Furthermore, in the Guayanas, no less than in other parts of the American continent, the right of discovery and conquest had been already exhausted in 1814, when the Dutch ceded their possessions in Guayana to Great Britain. There was no longer any territory open to conquest by European powers. For what subsequently became known as the Monroe Doctrine had a much earlier origin than the formal declaration of 1823. The principles then enunciated were not new. They had been coeval with the very existence of the United States government.[2] They were the logical sequence of the Declaration of Independence, and of the treaty of Ghent which followed. They were necessarily incident to the character of American institutions, were clearly foreshadowed in the policy of Washington's first administration, and distinctly outlined in his Farewell Address to the people of the United States. And they were subsequently repeated and emphasized by John Quincy Adams, as Secretary of State, in his official conferences and protocols with the Russian Ambassador, Baron Tuyl. So that President Monroe merely formulated, in a timely message to Congress, an unwritten law of a fundamental character which had already become as sacred to the American people as the Constitution itself. European colonies already established and recognized, were not to be interfered with. But "no new colonies" were to be established or recognized. Nor was there to be "any extension of existing colonial systems"; and, above all, "no interposition by European powers in the affairs of the Spanish American Republics."[3]

[1]Book II., chap. VII., sec. 86.

[2]Tucker's Monroe Doctrine, pp. 12, 14, 21, 40, 111, &c.; Adams's Memoirs, 163.

[3]Tucker's Monroe Doct. pp. 17–20; Whart. Dig. sec. 57; President Monroe's annual messages, Dec. 2, 1823, and Dec. 7, 1824; Adams's Diary VI., 163; President Polk's annual messages, 1845–48.

Under the Monroe administration, it was asserted "as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European power"; and that "we owe it to candor" to declare that "any attempt" on the part of European powers "to extend their system to any portion of this hemisphere would be considered as dangerous to our peace and safety." That "with the existing colonies or dependencies of any European power, we have not interfered and shall not interfere"; but with respect to "Governments who have declared their independence and maintained it, . . we could not view any interposition for the purpose of oppressing them, or controlling in any manner their destiny, by any European power, in any other light than *as the manifestation of an unfriendly disposition towards the United States.*"

There was no mistaking the plain and emphatic terms of this inhibition. It clearly extended to all possible treaties or compacts with native Indian occupants, whereby new European colonies might be set up on this continent. It clearly comprehended all such treaties and compacts, real or pretended, whereby the area of existing Europern colonies might be enlarged. And it quite as clearly embraced all possible aggressions and usurpations whereby the territorial area and domain of existing European colonies might be augmented by mere *de facto* occupancy.

It has been said that the principles of the Monroe Doctrine were departed from, if not partially abandoned, in the unfortunate convention of 1850, usually known as the "Clayton–Bulwer treaty." That compact is an admitted blunder; but it will bear no such construction as this. Neither Mr. Clayton nor the President, nor the slender majority of senators who ratified that treaty, ever gave it that construction. The most that can be said, is that they were misled and deceived by statements officially made by the British minister, which his government afterwards disclaimed; and that they were thus entrapped into a mere constructive recognition of the British *status quo ante* in Central America. And they were the more easily led into this mistake by an intense desire to stimulate a great international enterprise at a time when the capital necessary to the success of such enterprises was difficult to obtain. Moreover, the Clayton-Bulwer treaty, if ever a legal compact, has been practically a dead letter since 1881–2. But even if this were not the case, and the treaty were legal and in full force, it would, by its very terms, effectually debar Great Britain from her present *de facto* possessions in Guayana west of the Moroco river.

Again, it has been said that the Monroe Doctrine has no legal validity for lack of formal legislative sanction. Such an opinion merits very little consideration. In the first place, every resolution on the subject introduced into either House of Congress has been in unqualified support of the Monroe Doctrine—not one of which was ever rejected. That of 1824, by Mr. Clay, never came to a vote. That of 1879, by Mr. Burnside, was merely referred to the appropriate committee, which failed to report before the close of the session. That of 1880, by Mr. Crapo, was unanimously and cordially sustained by the Foreign Affairs committee, but the session closed before the resolution could be taken up. In the second place, express legislative sanction has never been deemed necessary to the validity of the Monroe declaration. Every one knows that most of the rules

of international law impose obligations derivable from precedent alone, and that as a precedent the Monroe declaration of 1823 has been universally acknowledged and accepted. It has been confirmed by every subsequent President of the United States, and by every chief Executive of every South America republic, who has ever had occasion to refer to it; and it has been persistently reiterated and upheld by publicists and statesmen of all political parties in both the Americas.[1] Finally, to say that the Monroe Doctrine has no validity for want of express legislative sanction is to assume that President Washington's Farewell Address has none, for neither has that ever received any express legislative sanction; and yet every one knows that that Address has shaped the foreign policy of the United States for nearly a whole century.

IV.

It is never a grateful duty to review, however dispassionately and impartially, a long and aggravated series of aggressions by the strong against the weak; and in the present case it is sincerely wished so unpleasant a task might be omitted entirely. But any account of the origin and history of this Guayana boundary dispute would be lamentably incomplete and defective without a brief review of the unsuccessful efforts that have been made to end it; and this necessarily accentuates a policy which, I regret to say, has too often characterized England's dealings with weaker powers.

A few years after the cession of 1814, some British traders established outposts near the Atlantic coast west of the Essequibo; and

[1]The House Resolution of 1826, on the subject of the Panama Conference, constitutes no exception. That Resolution merely expressed the opinion that the U. S. ought not to be represented in the proposed conference "except in a *diplomatic* character"; that the U. S. "ought not to form any alliance" with the South American republics, but "be left free to act, in any crisis, in such manner" as our "feelings and honor might dictate." It is easy to see the motive which prompted this Resolution, and why that Conference failed. One of the questions proposed for its discussion was "the consideration of the means to be adopted for the entire abolition of the African slave trade." Cuba and Porto Rico, still slaveholding provinces of Spain, would have been involved in the discussion; Hayti, already a new republic, would have claimed the right of representation; and there were then about 4,000,000 negro slaves in the Southern State of the United States! Thus the necessity which then existed of preserving an institution under our federal Constitution, lost to us the opportunity of giving permanent direction to the political and commercial connections of the newly enfranchised Spanish American States.

as early as January, 1822, a British settlement had sprung up as far westward as the mouth of the Pumaron river. But at that time the old Colombian Union was too much occupied with internal strifes to pay much attention to foreign affairs, and this first of a long series of aggressions was met only by a formal remonstrance which seems to have been totally disregarded.[1]

The next official reference to the subject was in 1840. Venezuela, which had been an independent Republic for about nine years, now earnestly remonstrated against these encroachments, and claimed the Essequibo river as the rightful boundary. No immediate attention was paid to this. But soon afterwards, the British representative at Caracas gave notice that Sir Robert Schomburgk had been commissioned to "survey and mark out the boundaries of British Guayana." The assent and concurrence of Venezuela was not asked.

A few months later, when there had been some informal conferences on the subject, the British representative informed the Venezuelan minister of Foreign Affairs that the Demarara colonial government had been instructed from London to resist, by force if necessary, any aggressions on the frontier territories occupied by independent tribes of Indians.

Realizing her utter inability to wage a successful war with so powerful a nation, Venezuela proposed some conventional agreement as to boundary. This proposition seems to have been treated with indifference. At any rate, Schomburgk went on with the survey, and finally completed and staked off the line which bears his name.

That line may be briefly described as follows: Beginning on the Essequibo river, some five degrees due south from its mouth, it proceeds to the river Maju, which it crosses near the fourth parallel; it thence deviates southwestward to mount Roraima, and crosses the Mazaruni river near its headwaters, some two degrees

[1] There can be no doubt whatever that England's extreme pretension then extended no farther than the right banks of the Pumaron river. Her subsequent advance to the mouth of the Moroco seems to have been an afterthought. The "London Atlas of Universal Geography," even in as late an edition as that of 1842 (two years after the "Schomburgk line" had been run), represents the extreme western boundary of British Guinea to be the Pumaron river, and the area between that river and the Essequibo as "territory claimed by Venezuela." (See also Broddam-Wheatham's "Roraima and British Guinea," pp. 204 and 205; also Instructions by the Colombian government to its ministers at London, issued in 1822.

due west from the banks of the Essequibo at its nearest point; it then deflects a little to the northward, and crossing the great Cuyuni river, passes southward near the headwaters of the Barima, and thence to the mouth of the Amacura above the delta of the Orinoco—thus allotting to Great Britain not only the entire Atlantic coast between the Essequibo and the Orinoco, but also a large section of country in the interior.[1]

In January, 1842, when more moderate counsels prevailed, the British government very distinctly disclaimed any intention to occupy this territory, or to claim the "Schomburgk line" as a possible boundary. Lord Aberdeen explained to the Venezuelan envoy, Dr. Fortique, that "the so-called Schomburgk line" was never designed to be other than "merely tentative," or "for convenience in future negotiations"; and as an evidence of his sincerety he officially disclaimed the Schomburgk line, and ordered its obliteration by the Demara authorities. This clearly re-established the *status quo ante*, and limited the disputed territory to the narrow strip between the Essequibo and Moroco rivers. Subsequently, he proposed a conventional boundary line, as follows: Beginning at the mouth of the Moroco river and running southward in general direction to the junction of the Barama and Aunama rivers; thence southeastward to the Cuyuni; thence along the western margin of the last named river to where it receives the waters of the Yuruari; thence eastward, following the general direction of the Cuyuni, to its source near Roraima; and thence in general course due eastward to the headwaters of the Essequibo.[2]

This proposition, though very disadvantageous to Venezuela, in that it would have deprived her of an immense territory which rightfully belonged to her, would, in all probability, have been accepted as a compromise had it been made in a different spirit and without humiliating conditions. But, in submitting it, Lord Aberdeen said his government was "disposed to *cede* to Venezuela" the territory beyond the line indicated, "on the condition that Venezuela would enter into an obligation not to alienate any portion of it to a third party"; and on the further condition that

[1] This was the original "Schomburgk line." It has since been extended to suit British convenience. Thus, according to the official publications of the London Geographical Society, the difference between the "Schomburgk line" as it stood in 1875, and as it stood in 1895, is about seventy miles, involving a difference in area of about ten thousand square miles!

[2] See map herewith, p. 28.

"the Indian tribes therein be not oppressed or maltreated by the Venezuelan authorities. As this involved "an acknowledgment of territorial rights in Guayana which Great Britain did not possess, and contained besides a restriction derogatory to the sovereignty of the Republic," it had to be rejected.[1]

Negotiations were, however, continued until the sudden death of the Venezuelan envoy, Dr. Fortique, when they were resumed at Caracas. The final result was the Diplomatic Agreement of 1850, by which each party was obligated "not to occupy any part of the unoccupied territory in dispute" till the question of boundaries should be definitely settled.

Where then, was this "unoccupied territory in dispute"? The question is an important one in view of events which followed. That Venezuela understood it to be limited to the area between the Moroco and Essequibo, hardly admits of a rational doubt; and there is very little doubt that the British government understood the Agreement in a like sense. However, some years later, under change of government, each party accused the other of trespass, and of thus violating the Agreement of 1850.

Thus the matter stood in May, 1879, when Dr. Rojas, the Venezuelan minister at London, addressed a note to Lord Salisbury urging some pacific termination of the question of boundary, intimating a willingness to accept any compromise line consistent with reason and justice, and requesting the submission of some proposition for final settlement.

After a delay of nearly eight months, Lord Salisbury replied, in a note dated January 10, 1880, that, as any discussion of the legal aspects of the question would not be likely to have satisfactory results, he preferred the alternative of compromise settlement. He said that England claimed, "in virtue of ancient treaties with the aboriginal tribes," and of "subsequent concessions from Holland," all the territory on the coast between the mouths of the Essequibo and Orinoco rivers; and all the territory of the interior north and east of a line from Point Barima to the mountains of Imataca, and thence to the table-lands of Santa Maria, the Coroni river, and the mountains of Roraima and Pacaraima! That is to say, he claimed not only all the territory within the original "Schomburgk line,"

[1] But even these conditions might have been accepted but for the fact that the British government refused to make the obligations mutual. (See "Brit. Boundaries of Guayana," by Dr. R. F. Seijas, pp. 170, 176; also Official Memorandum by Dr. Rafael Seijas, of July 15, 1882.)

so distinctly disclaimed by Lord Aberdeen, but a vast and fertile region far beyond it. Referring to Venezuela's claim that the Essequibo river was the ancient boundary between the Dutch and Spanish possessions, he said Great Britain already had some forty thousand subjects living west of that river, and that it could not be considered as a possible boundary; but that he would consider any feasible proposition of compromise that might be submitted by the Venezuelan government.[1]

Dr. Rojas replied, April 12th, that he was authorized to waive the question of strict legal right, and to adjust the dispute on some basis of compromise. He therefore inquired whether the British government was then disposed, as it has been as late as 1844, to accept the Moroco river as a conventional boundary line.

Lord Salisbury replied, some two weeks later, that the Attorney-General of British Guayana was expected in London soon, and that it was desirable to postpone the discussion until his arrival.

The Attorney-General did not arrive until November; and it was not until February of the next year that Dr. Rojas received Lord Salisbury's reply, which was that he could not accept the Moroco river as the boundary on the coast, but would consider any conventional line beginning further westward.

Nine days later, Dr. Rojas proposed, as a compromise, a conventional boundary line beginning on the coast one mile westward of the mouth of the Moroco, extending thence southward to the sixtieth degree of longitude, and thence in general direction southeastward to the confines of both countries. In submitting this proposition, he said that in case it should not be accepted, he saw no prospect of settlement except by friendly arbitration.

A change of ministry soon followed, and Lord Granville, as the successor of Salisbury, declined to consider Dr. Rojas's proposition; but in a personal conference which followed, in September, 1881, his lordship proposed, as a substitute, the following line:

Beginning twenty-nine miles northeast of the mouth of the Barima river, and running thence southward to the crest of Mt. Tarikita on the eighth parallel, north latitude; thence west along that

[1] This proposition by Lord Salisbury was a most astounding one, not only from a historical point of view, but no less so from the legal aspects of the case. Reasons of mere internal convenience may be applicable in a division of property held jointly; but they are hardly applicable in cases like this where the question at issue is one of boundary between two contiguous States. Still less is it applicable for the purpose of enabling one of the parties to take advantage of its own wrong.

parallel to where the old Schomburgk line crosses the Acarabisi river; thence along the Acarabisi to its confluence with the Cuyuni; thence along the Cuyuni to its source; and thence in direct line to a point where the "Schomburgk line" intersects the Essequibo.[1]

As this could not be accepted by Venezuela, Dr. Rojas formally proposed arbitration. This met with no immediate response.

In 1885, the British government agreed to unite the boundary dispute with the controversies growing out of the thirty per cent. duty on imports from the British Antilles and certain indemnity claims by British subjects against Venezuela, and to refer the whole to arbitration.[2] But a change of ministry occurred soon afterwards, and the new British cabinet flatly refused to ratify the agreement of its predecessor![3]

Subsequently, when Venezuela again recalled attention to the boundary dispute, and again proposed its reference to arbitration, Lord Rosebery proposed a conventional boundary line coupled with a condition that the Orinoco river be declared open and free to British merchant vessels. This was rejected by the Venezuelan government, which again proposed arbitration.

In the meantime, the Demarara authorities took formal possession of the territory within the "Schomburgk line"; and in 1886, the British government established fortifications at Barima Point, and posted notices at the mouth of the Amacura river, announcing that the country was within British jurisdiction! Venezuela, now thoroughly alarmed, demanded the immediate evacuation of these points, and the restoration of the *status quo* of 1850, in order that the question of boundary might be properly submitted to arbitration. These demands were not complied with, and the proposition to refer the dispute to arbitration was received with haughty indifference. The result was that in February, 1887, Venezuela declared all diplomatic relations with England suspended.

Since then, however, Venezuela has made repeated efforts to have the *status quo* of 1850 re-established, and the question of boundary referred to friendly arbitration. In 1891, she commissioned Dr. Lucio Pulido, one of her most distinguished citizens, as Plenipotentiary *ad hoc*, and as Envoy Extraordinary and Minister Plenipo-

[1] See map, p. 23.

[2] See Earl Granville's note dated May 15, 1885, to Gen. Guzman Blanco.

[3] See Lord Salisbury's note of July 27, 1885, to Gen. Guzman Blanco.

tentiary to the English government. In the character first named, he was authorized to re-establish diplomatic relations, if happily that might be accomplished through the good offices of the United States, which had been tendered; in which case, he was to at once assume the character last named, and open negotiations for the final settlement of the boundary dispute by friendly arbitration. In case the British government should refuse to entertain these overtures, he was instructed to say, first orally, and then in official note, to the proper authorities that "Venezuela would have to submit, as France had done, to dismemberment by war in which she might be overcome by superior force, without, however, surrendering her right of recovery; but that in no case would she submit to such dismemberment in time of peace by systematic usurpations of her territory."[1] His mission failed and he came home. And again, as late as May, 1893, Venezuela proposed (through her confidential agent at London, Dr. Michelena) a preliminary agreement on the following basis:

1. Renewal of official relations; after which each government to appoint one or more delegates invested with full powers to negotiate a treaty of boundaries; all points of difference on which the delegates might not be able to agree, to be referred to an *arbiter juris*, to be named by mutual concert of both governments:

2. Venezuela to agree to the conclusion of a new treaty of commerce revoking the thirty per cent. duty on imports from the British West Indies, and substituting a duty of limited duration, such as that proposed by Lord Granville in 1884–5:

3. All existing claims by British subjects against Venezuela to be referred to a commission *ad hoc;* all such claims arising in the future to be adjudicated by the Federal Supreme Court, as the Constitution of the Republic provides:

4. Both governments to acknowledge and declare the *status quo* of 1850; the same to be maintained until the boundary question should be finally settled as provided for in item number 1:

5. The preliminary agreement, on the basis thus indicated, to be forthwith submitted to the ratification of both governments; and after the exchange of ratifications, the diplomatic relations between the two governments to be considered re-established.[2]

[1] See Libro Amarillo of Venezuela, 1891, series B. C. V.

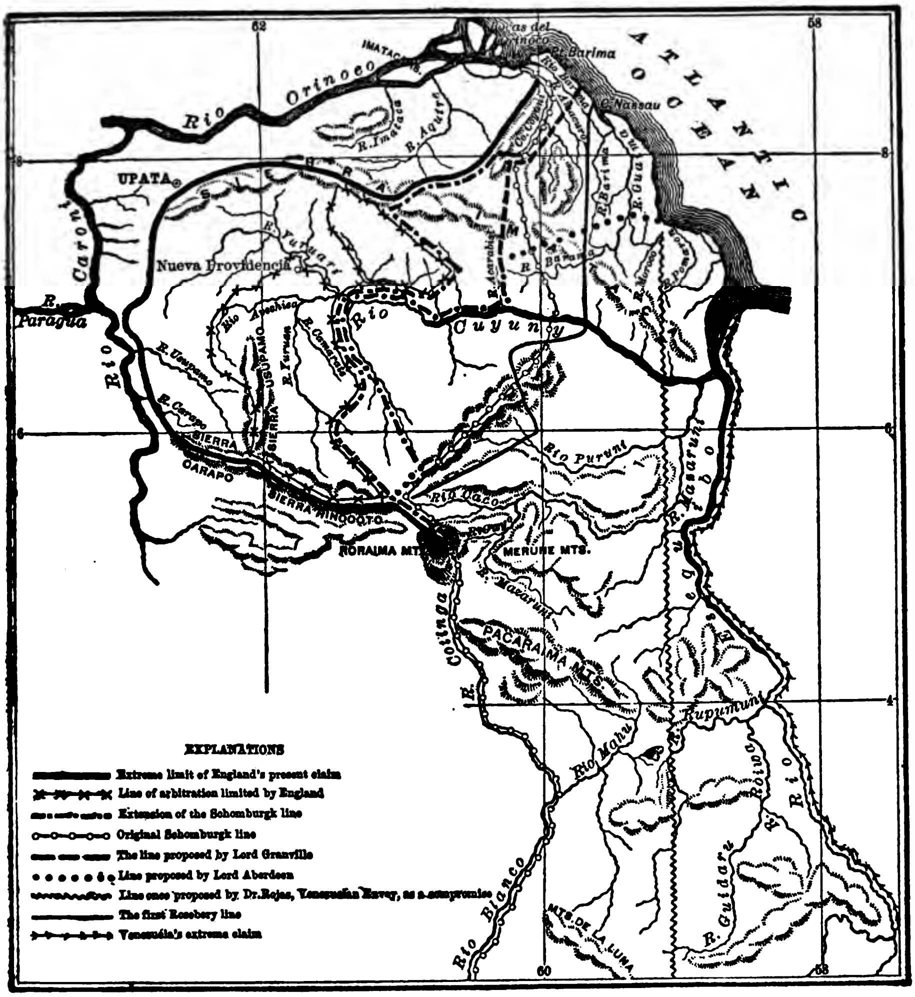
[2] See Memorandum by Dr. José Andrade, Venezuelan minister at Washington, of March 31, 1894, published in "Foreign Relations of the United States," pp 810–840, inclusive.

This proposition was not replied to by Lord Rosebery until the 3d of July following, and then only in part. He objected to it on the ground that it involved a reference to arbitration, "which practically reduced it to a form which had been repeatedly declined by Great Britain." As to the *status quo* of 1850, "that," he said, "was quite impossible; Great Britain declined to evacuate what had been for years constituted an integral portion of British Guinea." He could accept no *status quo*, "except that now existing." He therefore proposed that both governments agree (as soon as official relations should be re-established) that one or more delegates be named by each government with full power to conclude a frontier treaty; "it being agreed that the territory in dispute lies west of the line laid down in the map communicated to the Government of Venezuela on the 19th of March, 1890,[1] and to the east of a line, to be marked on said map, running from the source of the river Cumano down that stream and up the Aima, and so along the Sierra of Usupamo, and that the decision of doubtful points, and the laying down of a frontier on the line of which the delegates may be unable to agree, shall be submitted to the final decision of a judicial arbitrator, to be appointed, should the case arise, by common agreement between the two governments."[2]

An examination of the map here referred to shows this proposition to be very much less favorable to Venezuela than that made to Dr. Pulido by Lord Salisbury in 1890, which, in its turn, was very much less favorable than that made by Lord Rosebery himself in 1886. Having rejected both of these, Venezuela could hardly have been expected to accept a third which was infinitely more objectionable than either. Dr. Michelena, however, in communicating this refusal, expressed a desire that the British government should consent to resume the discussion of a preliminary agreement with a view to friendly arbitration.

[1] See map, p. 23.

[2] Translated into plain language, the proposition was about this: Great Britain insisted that the validity of her claim to the territory in dispute be conceded as a condition precedent to the arbitration of the question whether Venezuela is entitled to other territory not hitherto in dispute! When the British official publication known, as the *Statesman's Year Book*, came out in 1877, it gave the area of British Guinea at 76,000 square miles. When the same publication came out some years later, it placed that area at 109,000 square miles. This was certainly a convenient method of acquiring 33,000 square miles of territory, the title to which must be regarded as too sacred to be inquired into by an arbitral commission!


Rio Orinoco
IMATACA
St. Barima
C. Nassau
ATLANTIC OCEAN
UPATA
Caroni
R. Paragua
Nueva Providencia
Rio Cuyuny
SIERRA USUPAMO
SIERRA CARAPO
SIERRA RINCOOTO
RORAIMA MTS.
MERUME MTS.
Rio Puruni
R. Mazaruni
PACARAIMA MTS.
R. Cotinga
Rupununi
Rio Mahu
Rio Blanco
MTS. DE LA LUNA
R. Guidaru
Essequibo
62
60
58
8
6
4
EXPLANATIONS
Extreme limit of England's present claim
Line of arbitration limited by England
Extension of the Schomburgk line
Original Schomburgk line
The line proposed by Lord Granville
Line proposed by Lord Aberdeen
Line once proposed by Dr. Rojas, Venezuelan Envoy, as a compromise
The first Rosebery line
Venezuela's extreme claim

In his reply, dated September the 12th, Lord Rosebery said that it did not appear to Her Majesty's government that there was a way open for any agreement which they could accept concerning the question of boundary, but that they were disposed to give "their best attention to any practicable proposals that might be offered," etc.

On the 29th of the same month, Dr. Michelena replied to this, expressing his deep regret that the condition of affairs remained subject to the serious disturbances which the *de facto* occupancy and proceedings of Great Britain could hardly fail to produce; and protested, in the name of his government, that Venezuela would never consent that such occupancy and proceedings be adduced in evidence to legitimatize an interference with her territorial rights and jurisdiction.

Thus ended the last direct effort to bring the question of boundary to some satisfactory termination.

V.

From this brief review of the case, it will be observed that, previous to the year 1840, Great Britain had not extended her occupancy beyond the Moroco river, nor even intimated a purpose to lay claim to any territory beyond it. Suddenly, in the latter part of that year, she made an attempt to extend her occupancy westward and southward as far as the mouth of the Barima river, where she arbitrarily fixed the starting point of a frontier line, known as "the Schomburgk line." In 1844, she receded from this position, disclaimed the Schomburgk line, ordered it obliterated, and proposed what afterwards became known as "the Aberdeen line," beginning near the mouth of the Moroco river. In 1881, she again removed the starting point of a divisional line to a distance of twenty-nine miles west of the Moroco river, generally referred to as "Lord Granville's line." In 1886, she again shifted position and proposed what is known as "the first Rosebery line," beginning west of the Guaima river. In 1890, she shifted position again and proposed "the Salisbury line," beginning at the mouth of the Amacura river—thus claiming control of the main outlet of the Orinoco. And, finally, in 1893, still advancing westward and southward into what had never before been disputed as Venezuelan territory, she proposed a boundary line from the southwest of the

Amacura river, running so as to include the headwaters of the Cumano and the Sierra of Usupamo.[1]

These facts carry their own comment. Studied in connection with any good map of the country, they have a startling significance. The South American continent, by its peculiar configuration, is naturally divided into three immense valleys—the Orinoco, the Amazon, and the Plata. Each of these valleys is, in itself, a complete network of fluviatile navigation, open from the sea to the remote interior. Those of the Guayaquil, Atrato, and Magdalena are of but little consequence in comparison; for the chain of the Andes, extending from Patagonia along the Pacific, and thence eastward along the Caribbean to the Gulf of Paria, constitute a natural barrier to the interior. But there are no mountain chains traversing the continent from east to west; no such barriers to communication between the valleys of the Orinoco, Amazon, and Plata; and those three great rivers communicate by distinct bifurcations. Hence, the dominion of the mouth of either by such a power as England, would, in the course of time, and almost as a natural consequence, open the way to pretensions over the others.

But, to keep strictly within the range of the present discussion, take, for example, the mouth of the Orinoco. That immense river is navigable by the heaviest naval vessels as far up as the city of Bolivar, nearly four hundred miles from the ocean; and within this distance the river receives the waters of some twenty other navigable streams. Above that point, the Orinoco receives, on its eastern side alone, some ninety other rivers, two of which are navigable to within a few miles of the navigable affluents of the Amazon; while on its western side, above the point named, it receives the waters of thirty-one more, many of which are navigable, and extend to the far interior of the continent. Thus, the Apure, which traverses the very heart of Venezuela, is navigable for about four hundred miles from its mouth and has its

[1] Speaking of this last phase of the British claim, which led to the rupture of 1887, Mr. Bayard, then Secretary of State, in an instruction to Mr. Phelps, the U. S. Minister at London, said: "The claim now stated to have been put forth by the authorities of British Guinea necessarily gives rise to grave disquietude, and creates an apprehension that the territorial claim does not follow historical traditions or evidence, but is apparently indefinite. . . . . If, indeed, it should appear there is no fixed limit to the British boundary claim, our good disposition to aid in a settlement might not only be defeated, but be obliged to give place to a feeling of grave concern."

source in the central range of the Andes near the Colombian border. The Meta, which is navigable as far up as Villavicencia, only a few leagues from the city of Bogotá, has its source in the center of the republic of Colombia. The Guariare, another navigable river, has its source in the central range of the Andes. And the Inriade, another considerable river, extends to within a few miles of the Colombian and Brazilian borders.

It will be seen at a glance that the navigable outlet of the Orinoco is the key to more than a quarter of the whole continent; and that its dominion by Great Britain could hardly fail, in the course of a few decades, to work radical changes in the commercial relations and political institutions of at least three of the South American republics.

Take another feature of the controversy, not very conspicuous in itself, but which may serve to interpret the motives behind the aggressions in the Orinoco valley. In 1802, England's military occupancy of the island of Trinidad was confirmed by the treaty of Amiens, and thus became *de jure* as well as *de facto* British territory. Now, on the extreme northwest side of the gulf of Paria, near its navigable entrance from the Atlantic, is a small, uninhabited island known as Patos or "Duck island." It is very much nearer the mainland than to the island of Trinidad, and has always been regarded as Venezuelan territory.[1] But in 1859, very much to the surprise of everybody, the Beitish colonial authorities of Trinidad demanded the surrender of some smuggling crafts which had been captured there. The Trinidad authorities attempted to justify their extraordinary action by the plea that Patos had been previously leased by the municipality of the Port-of-Spain, to some British subjects. In the course of the diplomatic correspondence which followed, the island of Patos was boldly claimed as British territory, on the pretension that its dominion was included in the cession of 1802. The absurdity of this claim is manifest from the very terms of the treaty itself; for the cession was limited to "the island of Trinidad." Nor can the claim be established on the principle of proximity; for it is a generally recognized doctrine that small islands in the sea belong to the

[1]The "West India Atlas," compiled from "official surveys," and published by Whittle and Lowrie, London, in 1878, shows the island of Patos to be on the extreme west (or Venezuelan) side of the western navigable channel of *Bocas de Dragos*, and that the island is at least a third nearer the Venezuelan mainland than it is even to the little island of Chacahacarrea, off the west coast of Trinidad.

nearest continent. All standard authorities are agreed that the territory of a nation includes the islands surrounded by its waters, and its dominion over the seacoasts is coextensive with the projectile range of its weapons. Moreover, it was this very principle, namely, that islands in the sea belong to the nearest continent, which caused the ownership of the island of Aves to be decided in favor of Venezuela in 1865, notwithstanding the proximity of that island to two Dutch islands and its very great distance from the Venezuelan coast. The question of ownership had been raised, and was referred to arbitration; and the principal arguments adduced, and those on which the decision was based, were that the island was discovered by the Spaniards, that the Venezuelan coast was the nearest continent, and that these facts gave title to Venezuela as the successor of Spain.

While the island of Patos may be of insignificant value, it is so situated as to command an available entrance to the gulf of Paria from the Atlantic. It is, therefore, in a very important sense, the key to the gulf which commands the Orinoco delta; and the attempt to wrest it from its legitimate owner should be considered in connection with the efforts to obtain control of that great river.

VI.

Through considerations of prudence, Venezuela has not hitherto sought to repel these aggressions by the means usually adopted in the last resort. She has preferred rather to suffer temporary inconvenience and wrong, and to appeal to the moral sense of the civilized world, hoping that some honorable termination of the dispute by arbitration might be brought about through the mediation of friendly powers.

The United States government has not been indifferent to these appeals; nor could it afford to be in view of its well known policy and traditions relative to the South American republics. Time and again, it has delicately and courteously tendered its good offices as the impartial friend of both parties. It has gone further and made formal tender of its services as arbitrator, if acceptable to both parties. And it did this with the less hesitancy because the dispute turns exclusively upon simple and readily ascertainable historical facts. Ten of the other American Republics—to wit: Mexico, Chili, Colombia, Ecuador, the Argentine, Guatamala, Salvador, Nicaragua, Costa Rica, and Hayti—not to mention Spain,

one of the oldest monarchies of Europe—have each separately addressed the British government in a like sense. And one of the very last public acts of the fifty-third Congress of the United States was the passage, without a dissenting vote in either House, of a Joint Resolution earnestly recommending, specifically and by name, the reference of this identical boundary dispute to friendly and impartial arbitration.[1]

Briefly summarized, the historical facts upon which the adverse claimants predicate their titles are as follows:

1. Venezuela, as the successor in title of Spain, supports her claim by the treaty of Munster of 1648; by the treaty of Utrecht of 1713; by the note of the Governor of Cumina, to the municipal council, of February 1, 1742; by the treaty of 1750, between the Portuguese and Spaniards; by the reply of the Governor of Cumina to the note of the Director-General of the Dutch colony of Essequibo, dated September 30, 1758; by the two Royal Schedules of 1768; by the official declaration of the Spanish Cabinet in 1769, rejecting the pretension of right by the Dutch to fish near the mouth of the Orinoco; by the instructions of the Royal Intendency in 1779, for peopling eastern Guayana; by the Royal Order of 1780, directing the founding of the town of Don Carlos; by the official report of Don Antonio Lopez de la Puente, commissioner for the exploration of the Cuyuni river, February 26, 1788; by the treaty of Aranjuez, of June 23, 1791, between Spain and Holland; by the note of the Secretary of the Dutch West India Company to the Spanish minister in Holland, January 8, 1794; by the treaty of August 13, 1814, between England and Holland; by the official request, made in writing, by the British minister at Caracas, May 26, 1836, that Venezuela establish lighthouses and beacons at the mouth of the Orinoco, and at Barima Point; by the official dispatch of the Governor of Demarara, September 1, 1838; by the note of the Venezuelan Governor of Guayana to the federal government at Caracas, dated August 23, 1841, attesting the acknowledgment, by a

[1] H. Res. 252, 53d Cong., 3d Ses.; Approved Feb. 20, 1895. The text of the Resolution (omitting the preamble, which had been passed by the House, but was stricken out by the Senate) is as follows:

"Joint Res. No. 14, relative to the British-Guiana-Venezuela boundary dispute.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President's suggestion, made in his last annual message to this body, namely, that Great Britain and Venezuela refer their dispute as to boundary to friendly arbitration, be earnestly recommended to the favorable consideration of both the parties in interest."

British law court in Demarara, of Venezuela's rightful jurisdiction over the Moroco river; by a similar act of recognition as late as 1874, growing out of a homicide committed by a British subject named Thomas Garret; by the British disclaimer of the Schomburgk line made to Dr. Fortique by Lord Aberdeen, January 31, 1842; by the Aberdeen proposition of 1844; and in short, by the publications of every geographer and hydrographer who has ever written on the subject, from Sir Walter Raleigh to Noire and Humboldt.

2. Great Britain, as successor in title of Holland, supports her claim to the same territory by the alleged fact that two forts, called "New Zealand" and "New Middleburgh," were erected by the Dutch on the Pumaron river in 1657; by concessions granted by a Dutch Company, as successor, in 1674, of the Dutch West India Company, for trading with the colonies of Essequibo and Pumaron; by a reputed battle between the Dutch and Spaniards at fort "New Zealand" in 1797, in which, it is claimed, the latter was defeated and driven away; by some alleged concessions from Holland subsequent to the cession of 1814; and by some pretended treaties with native Indian tribes (names and dates not given) whereby she claims to have obtained title to the soil and sovereignty over the territory.[1]

Surely nothing could be more natural, or simple, or fair, or more in accordance with modern international usage than the reference of a dispute like this to friendly and impartial arbitration. Such controversies are in constant process of settlement by joint commission or by outside friendly arbitration; and this is all that Venezuela asks or has ever asked since 1844. Conscious of the inherent justice of her case, she rests it upon the evidence adduced, and is ready to obligate herself to scrupulously abide by a decision of an impartial referee.

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[1]This seems almost incredible; yet see Lord Salisbury's note to Dr. Rojas, January 10, 1880. The date and character of those "subsequent concessions from Holland" are strangely omitted. Holland's title to the colonies of "Demarara, Essequibo, and Berbice" was in virtue of the treaty of Munster, of 1648. These she ceded to England by the treaty of 1814. How then could Holland have made "subsequent concessions" of what she never possessed and never even claimed? As to England's claim to territory west of the Essequibo "in virture of ancient treaties with aboriginal tribes," that can hardly be taken seriously. She might, with quite as much reason, set up a claim to Alaska in virtue of pretended treaties with the native Indians prior or subsequent to the cession to the United States by Russia.

How very different has been the attitude of England! As if conscious of the injustice and weakness of her claim, she persistently refuses to submit it to arbitration. And, disregarding all remonstrances, rejecting all offers of friendly mediation, and apparently indifferent to the opinion of the civilized world, she has, by a long series of encroachments, absorbed not only the whole of the territory originally in dispute, but extended her occupancy far beyond it, and set up a *de facto* government within what she herself has more than once, and in more forms than one, acknowledged to be Venezuelan territory.

In view of these facts, so easy of verification, the matter has become one of very grave concern, not only to all South Americans, but to the people of this country as well. The principle here contended for by England, namely, that territorial sovereignty and dominion were transmitted to her by "ancient treaties with aboriginal tribes," would, if once admitted, unsettle titles to half the continent. It would not only destroy the territorial integrity and sovereignty of nearly all the South American republics, but would invalidate the title of the United States to the territory of many of our present commonwealths, and to more than one-half of our public domain in the northwest.

Let it be borne in mind also that the country which is being thus ruthlessly despoiled of its territorial sovereignty is not in some remote and inaccessible corner of the earth with which we neither have, nor hope to have, any very direct political or commercial relations. It is the nearest of all our South American neighbors. Its political capital, one of the most beautiful and attractive on the continent, is less than a six days' journey from Washington. Its commercial marts, second to none on the Caribbean shores, are directly opposite ours on the South Atlantic and Gulf coasts, and distant less than five days' sail. Even the harbors and inlets of Guayana and the Orinoco delta are only about five days' sail from New York. It is the only South American republic with which we are in direct and regular weekly communication by an American line of steamships. Its people are among the most intelligent and progressive of all Latin America. And our commerce with it is now about double, in volume and value, our trade with any of the other trans-Caribbean free States. These conditions alone, even if others were wanting, could hardly fail to inspire our sympathy and enlist our active interposition.

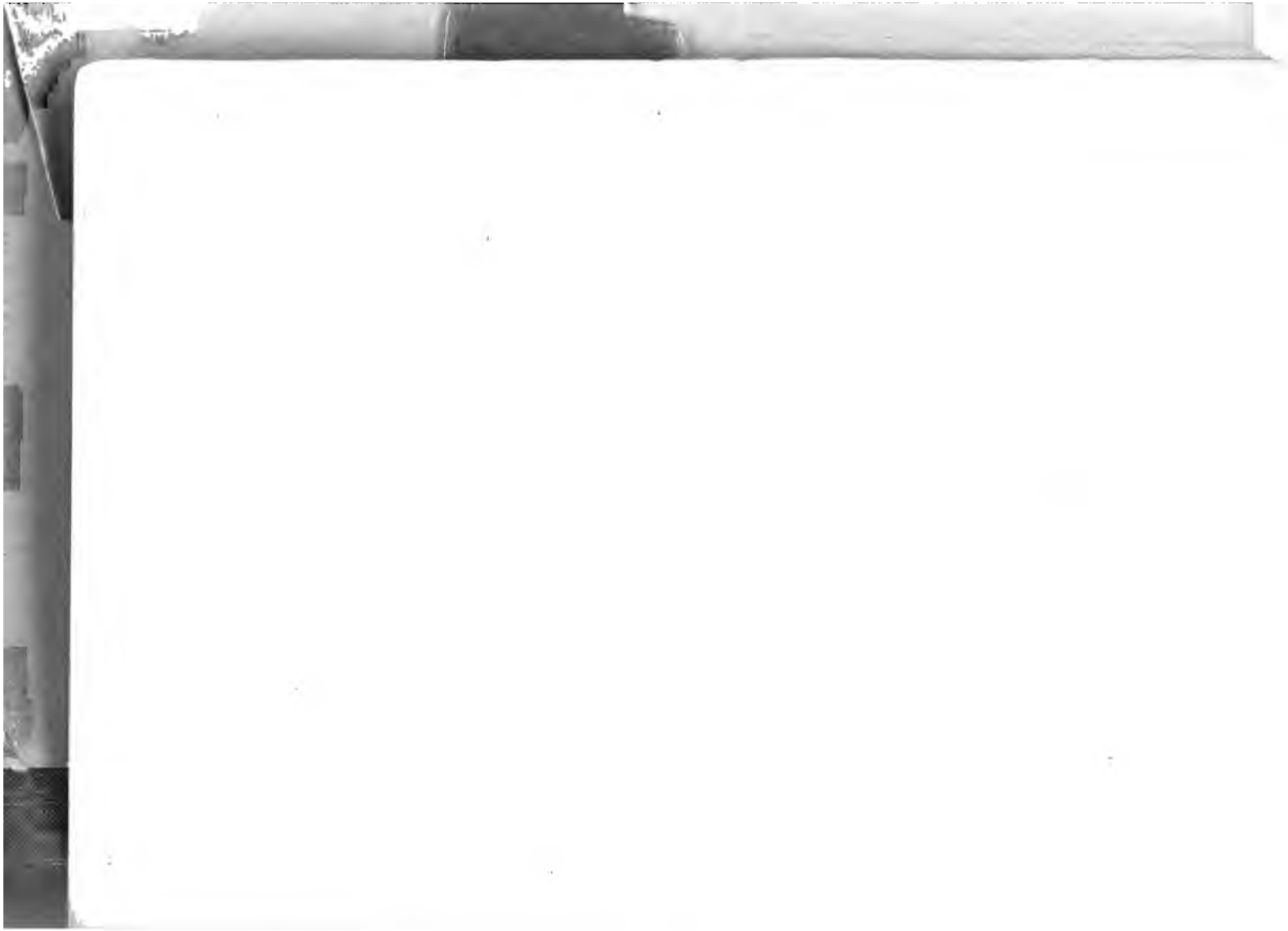
But there are higher considerations than these. All standard

authorities are agreed that when the territorial acquisitions and foreign relations of a nation threaten the peace and safety of other states, the right of intervention is complete. It then becomes a moral duty to interfere to prevent the threatened mischief, rather than wait till the mischief is accomplished and then interpose to remedy it. "It is," says a high English authority, "only the shortsighted and vulgar politician who holds that a nation has no concern with the acts of its neighbors, and that if the wrong be done to others and not directly to itself, it cannot afford to interfere."[1] The stupidity of such a policy has been sometimes illustrated in modern history, but never as yet in the history of the United States. Early in the beginning of the present century, inspired by our successful example, the Spanish-American colonies threw off the yoke of European serfdom, and became free and independent States. Very soon thereafter, an alliance was formed by the three principal powers of Europe, the ulterior purpose of which was the reconquest of those colonies and their partition among the signatory powers. This bold scheme was defeated, and the new Republics saved from the fate of Poland only by the timely and determined intervention of the United States. That was at a time too, when our territorial area and population, and our national wealth and resources, were considerably less than one-fifth of what they are to-day. And yet that act of intervention for the maintenance of a great American doctrine, and for the preservation of the sovereignty and territorial integrity of our sister republics of the South, so far from being characterized as "jingoism," has ever been applauded as one of the wisest and most conservative in our national history.

Surely, the doctrines then officially proclaimed with the subsequent concurrence and cordial support of England herself, have lost none of their force and importance by the lapse of time; and by every consideration of reason and justice, both governments ought to be as much interested now as ever in the conservation of a status the wisdom of which has been demonstrated by the experiences of three-quarters of a century. An abandonment of those doctrines now by the United States, and a repudiation of that status now by England, would not only be an act of bad faith, dishonorable to both, but would involve international disputes and complications the end and consequences of which are beyond conjecture.

[1] Phillimore, Int. Law, vol. I., part IV., chap. I.

Still, if England should finally decide upon this course, and under the flimsy pretext of a boundary dispute of her own seeking, and which she has hitherto obstinately refused to adjust upon any just and reasonable basis, she should persist in her efforts to extend her colonial system within the territory and jurisdiction of an independent American republic, that fact would be but an additional reason, if any were necessary, why the United States should reaffirm, and maintain at all hazards, the principles of the declaration of 1823. The only alternative would be an explicit and final abandonment of those principles; and that would involve a sacrifice of national honor and prestige such as no first-class power is likely ever to make, even for the sake of peace.

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